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April 1, 2021

Hon. Lewis J. Liman
United States Courthouse
Courtroom 17A
500 Pearl Street
New York, New York 10007

**Re: Eastern Profit Corp. Ltd. v. Strategic Vision US, LLC, Case No. 18-cv-2185 (LJL)-
DCF/Strategic Vision's Trial Witness Bob Fu**

Dear Judge Liman:

Bob Fu should not be stricken from Strategic's trial witness list. Dr. Fu was disclosed by name in Strategic's findings of fact submitted with the original (proposed) Pretrial Order on October 30, 2020.¹ Dr. Fu was not officially listed as a trial witness until January 29, 2021, for several compelling reasons. First, Strategic needed to confirm his willingness to travel to New York in the circumstances of this pandemic to testify about events that had just occurred in September and October 2020. Second, Strategic was hopeful that its proposed DX-98, which evidenced Guo's attacks on Dr. Fu using Guo's "GNews" outlet, would be admitted, but this Court ruled newspaper articles inadmissible in late December 2020, ECF 310, and Eastern has objected to that particular exhibit. Strategic's handling of this witness has been justified and any result of the delay harmless for Eastern. Eastern has had almost three months to plan for Dr. Fu's testimony, and no harm will come from allowing him to testify for 30 minutes about how Guo's program of attacks on key Chinese dissidents in the U.S. finally came to Dr. Fu's front door.

To grant Eastern's request to strike Dr. Fu will greatly prejudice Strategic Vision because Dr. Fu holds critical evidence supporting Strategic's fraud claim that Guo Wengui misrepresented himself as a dissident of China intent on breaking the CCP's control over that country. The representation induced Strategic and its China Hawk founder to sign a contract to provide services to Guo and Eastern (the company his daughter directs), services that Strategic never would have provided if Strategic had known that Guo is not a true dissident and holds sympathy for the CCP and its leadership. Dr. Fu's testimony helps establish that Guo is not who he represented himself to be.

1. Strategic's Fraud Claim Requires Proof that Eastern Made a Misrepresentation.

Strategic intends to prove that the Research Agreement was procured by fraud. From the time French Wallop was first introduced to Guo by Bill Gertz and Lianchao Han through

¹ See Ex. Oct. 30, 2020 communication from Eastern to the Court, copying Strategic, attachment "PLDG SV_10-30-2020 FOF and COL," at ¶¶ 125-26 ("More recently, he [Guo] has launched a new round of attacks, including against Bob Fu. Fu is the head of a Christian organization called ChinaAid based in Midland, Texas. ChinaAid supports Christians in China, opposes the CCP, and has now become a target of Guo. Guo supported groups of Chinese-speakers who traveled to Midland to picket Fu's home in October, 2020...").



negotiations and performance of the contract, Guo represented that he was a longtime opponent of the CCP, desired to undermine, sow disruption, and bring about the regime's downfall, and would accomplish this through publicizing research about the regime's corruption. The linchpin to his plan was the work by Strategic. While Strategic understood that Guo's plan had the added personal benefit of supporting his 2017 asylum application as a purported whistleblower in need of U.S. protection, Strategic did not doubt that undergirding the entire arrangement was Guo's fierce opposition to the CCP. Strategic will prove that Wallop agreed to the Research Agreement to assist someone believed at the time to be absolutely anti-communist. Strategic will then prove that Guo misrepresented who he was.

2. Bob Fu Will Provide Proof of One of Three Lines of Strategic's Fraud Evidence.

Strategic intends to offer three lines of evidence to prove that Guo's true intentions for the Research Agreement were misrepresented. First, Strategic will introduce Guo's own statements, posted on social media after Guo began living in the U.S., that show recent in-person interactions between Guo and the CCP held in a favorable, or at least productive, manner and discussing a plan for a continuing relationship. In August 2017, just a few months before meeting Strategic, Guo also gave a clear statement that he intended to be useful to Chinese president Xi Jinping. Strategic will offer the translation of a recording from March 2017 wherein Guo expresses contempt for U.S. dissidents who criticize the CCP, and says, "The operation is on now. I have absolute faith in General Secretary Xi."

Bob Fu's experience, as shown below, is a concrete example of Guo fulfilling his plan in early 2017 to support the CCP and Chinese leadership. Dr. Fu will not be asked to opine whether Guo is a dissident-hunter, but this Court could reach that conclusion from Dr. Fu's testimony that he did nothing to provoke Guo's social media war against Dr. Fu in fall 2020: Dr. Fu "was [in] total shock when [Guo] mobilized his followers to harass and intimidate us just at our door... I have not done anything dealing with him, any public or private dispute or feud with him before he attacked me, so the only thing I could think of is that somebody from Beijing must have sent him an order to take us down." (The Texan, "Midland Pastor, Billionaire Trade Accusations of Communist Loyalties," Isaiah Mitchell, Oct. 13, 2020)

Second, Strategic will prove that Guo has maintained close business ties with mainland China and Hong Kong, allowing him to move money from China or Hong Kong to the U.S. when Guo otherwise has claimed that, as a Chinese dissident, he suffered a total shutout of financial dealings with China or Hong Kong. This includes the transfer of the \$1 million deposit under the Research Agreement, which came in the form of two wires from ACA in Hong Kong. ACA head William Je was described by Guo to Strategic trial witness Sasha Gong as his "money man." Strategic was not the only recipient: ACA made the payment to Bill Gertz as an "advance" on his book about Guo and China (proven through Gertz's deposition testimony) and a \$1 million retainer to a law firm for Guo's asylum case (proven through admissible public records). Guo's close ties are also evidenced by records relating to Guo Media's Cloudflare account, which show that programmers physically based in the mainland have open access to its name servers.



Finally, Strategic will prove that Guo has attacked true Chinese dissidents like Sasha Gong and now Bob Fu. Attacking Chinese dissidents is consistent with Guo's 2017 plan to support President Xi and the CCP and the actions of someone who is not himself a Chinese dissident.

3. Bob Fu Has a Compelling Story to Tell, Having Personally Experienced the Fact and Effect of Guo's Anti-Dissident Statements on Social Media.

Xiqiu (Bob) Fu is a naturalized U.S. citizen who emigrated with his family in the late 1990s to escape religious prosecution in China. Dr. Fu became a Christian after the Tiananmen Square massacre, where he had organized student protests and was subsequently investigated by the CCP for leading an illegal organization. Dr. Fu and his wife later were imprisoned by the CCP for holding a house church in Beijing practicing the Christian faith. Living in Texas for many years now, Dr. Fu serves on the pastoral staff of Mid-Cities Community Church in Midland. In 2002, Pastor Fu founded ChinaAid, a nonprofit organization with a mission to "expose the systematic persecution, harassment, torture and imprisonment of Chinese Christians and human rights lawyers in China." Dr. Fu has testified before the House Foreign Affairs Committee, the Senate Judiciary Committee, the U.S. Commission on International Religious Freedom, the Congressional-Executive Commission on China, and the United Nations Commission on Human Rights.

Dr. Fu had no public interaction with Guo other than Dr. Fu's positive on-line comments about Guo's anticommunist efforts in 2017. Nevertheless, in September 2020, Guo issued a message on social media that "threatened 'to send up to 200 comrades in a campaign against Fu. Once our comrades get to your house tomorrow, we will never retreat. We will not start another campaign until we are done with you.'" (The Texan, Isaiah Mitchell, Oct. 13, 2020). As a result, Dr. Fu's family home was surrounded by rioting protestors. On the advice of law enforcement, Dr. Fu, his wife, and other family members moved from the residence and separated to undisclosed secure locations. This went on for weeks. The situation was only resolved by the stipulated preliminary injunction now in effect in litigation filed by Dr. Fu against Guo and Guo's media entities. The stipulated preliminary injunction was not entered until Feb. 2, 2021.

4. Strategic Moved Quickly to List Dr. Fu to Confirm He Would Testify.

Dr. Fu was not on Strategic's original witness list due to the close time proximity to when that list was due (Oct. 30, 2020) and when the events involving Dr. Fu occurred. Further, Dr. Fu was in hiding. Ultimately, Dr. Fu was officially disclosed on January 29, 2021. In the months since, Eastern has not sought his deposition. Neither side served Fed. R. Civ. P. 26(a) disclosures in the initial phase of the case, a timeframe that long predated the involvement of each side's current counsel. Regardless, Dr. Fu did not possess evidence relevant to Strategic's case until September and October 2020, well past the timeframe to identify individuals with discoverable information that the party may use to support its claims or defenses. To the best of Strategic's knowledge, Eastern did not serve an interrogatory for identification of Strategic's trial witnesses. Strategic therefore asks that the Court deny Eastern's request to strike this critical witness.



Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward D. Greim', with a stylized flourish at the end.

Edward D. Greim
Attorney for Defendant/Counterclaimant

cc: Counsel of record via ECF